

AMENDED IN ASSEMBLY JULY 13, 2005

AMENDED IN SENATE MAY 3, 2005

SENATE BILL

No. 159

Introduced by Senator Runner

February 8, 2005

An act to add and repeal Section 4011.10 of the Penal Code, relating to health care.

LEGISLATIVE COUNSEL'S DIGEST

SB 159, as amended, Runner. Inmates: health care services.

Existing law authorizes the Department of Corrections and the Department of the Youth Authority to contract with providers of emergency health care services. Existing law specifies that hospitals and ambulance or other nonemergency response services that do not contract with those departments shall provide those services at the Medicare rate. Existing law authorizes those departments to work with the State Department of Health Services in obtaining hospital cost information in order to establish allowable costs under those provisions.

This bill would apply these provisions to county sheriffs, chiefs of police, and directors or administrators of local departments of correction.

The provisions of the bill would be repealed as of January 1, 2009.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 4011.10 is added to the Penal Code, to
2 read:

1 4011.10. (a) *It is the intent of the Legislature in enacting this*
2 *section to provide county sheriffs, chiefs of police, and directors*
3 *or administrators of local detention facilities with an incentive to*
4 *not engage in practices designed to avoid payment of legitimate*
5 *emergency health care costs for the treatment or examination of*
6 *persons lawfully in their custody, and to promptly pay those costs*
7 *as requested by the provider of services. Further, it is the intent*
8 *of the Legislature to encourage county sheriffs, chiefs of police,*
9 *and directors or administrators of local detention facilities to*
10 *bargain in good faith when negotiating a service contract with*
11 *hospitals providing emergency health care services. The*
12 *Legislature has set a date of January 1, 2009 for this section to*
13 *be repealed, and does not intend to delete or extend that date if*
14 *county sheriffs, chiefs of police, and directors or administrators*
15 *have not complied with the intent of the Legislature, as expressed*
16 *in this subdivision.*

17 (b) Notwithstanding any other provision of law, a county
18 sheriff or police chief may contract with providers of emergency
19 health care services. Hospitals that do not contract with the
20 sheriff or police chief for emergency health care services shall
21 provide these services to their departments on the same basis as
22 they are required to provide these services pursuant to Section
23 489.24 of Title 42 of the Code of Federal Regulations. No sheriff
24 or police chief shall reimburse a hospital that provides these
25 services, and that their department has not contracted with, at a
26 rate that exceeds the hospital's reasonable and allowable costs,
27 regardless of whether the hospital is located within or outside of
28 California.

29 ~~(b)~~

30 (c) An entity that provides ambulance or any other emergency
31 or nonemergency response service to a sheriff or police chief,
32 and that does not contract with their departments for that service,
33 shall be reimbursed for the service at the rate established by
34 Medicare. Neither the sheriff nor the police chief shall reimburse
35 a provider of any of these services that their department has not
36 contracted with at a rate that exceeds the provider's reasonable
37 and allowable costs, regardless of whether the provider is located
38 within or outside of California.

39 ~~(e)~~

1 (d) Each sheriff or police chief shall work with the State
2 Department of Health Services in obtaining hospital cost
3 information in order to establish the costs allowable under this
4 section. The State Department of Health Services may provide a
5 sheriff or police chief with hospital cost information that the
6 State Department of Health Services obtains pursuant to Sections
7 14170 and 14171 of the Welfare and Institutions Code.

8 ~~(d)~~

9 (e) For the purposes of this section, “reasonable and allowable
10 costs” shall be defined in accordance with Part 413 of Title 42 of
11 the Code of Federal Regulations and federal Centers for
12 Medicare and Medicaid Services Publication Numbers 15.1 and
13 15.2.

14 ~~(e)~~

15 (f) For purposes of this section, in those counties in which the
16 sheriff does not administer a jail facility, a director or
17 administrator of a local department of corrections established
18 pursuant to Section 23013 of the Government Code is the person
19 who may contract for services provided to jail inmates in the
20 facilities he or she administers in those counties.

21 ~~(f)~~

22 (g) This section is repealed as of January 1, 2009.